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8 **UNITED STATES BANKRUPTCY COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 In re

12 HYPERIKON, INC.

13 Debtor
14

Bankruptcy Case No. 21-01776-LT-7

**OPPOSITION TO EMERGENCY
MOTION**

15 TRUSTEE, LEONARD J.
16 ACKERMAN, EVIDENTIARY
17 OBJECTIONS TO SREIT 4820
18 INDIANAPOLIS DRIVE, LLC'S
19 EMERGENCY MOTION UNDER
20 SECTION 365(d)(3) OR, IN THE
ALTERNATIVE, FOR ADEQUATE
PROTECTION UNDER 363(e)

21 Date: May 27, 2021

22 Time: 2:00pm

23 Dept.: 3

Judge: Taylor

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25 The Trustee submits the following evidentiary objections to Doc. 18,
26 filed by SREIT-4820 Indianapolis Drive, LLC:
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- 1 1. Paragraph 27- lines 5-9. (“This is not a large or complex case”)/The motion
2 is devoid of any evidence supporting this contention.
- 3 2. Paragraph 28- The motion is devoid of any evidence whatsoever supporting
4 this contention.
- 5 3. Paragraph 37- lines 9-12. The motion is devoid of any evidence whatsoever
6 indicating that the Trustee is “receiving rent from the Subtenant.” In fact, as
7 set out in the Trustee’s declaration filed concurrently herewith, the Trustee
8 has not received any funds whatsoever from the subtenant as of the date this
9 opposition is filed.
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13 Date: May 26, 2021

14 KIRBY & McGUINN, A P.C.

15 By: /s/ Roberta S. Robinson
16 Roberta S. Robinson
17 Attorneys for Leonard J. Ackerman,
18 Trustee
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